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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant(s): Andrew Bell et al.

Examiner:

Serial No.: 09/921,051

Group Art Unit: 1713

Filed: August 2, 2001

Date: April 9, 2002

For: **IN MOLD ADDITION POLYMERIZATION OF NORBORNENE-TYPE  
MONOMERS USING GROUP 10 METAL COMPLEXES**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

MAY 20 2002

PETITION UNDER 37 C.F.R. 1.17(h)

OFFICE OF PETITIONS

A Notice of Omitted Items of pages 175-182 of the specification in the above-identified divisional application filed under 37 C.F.R. 1.53(b) was received. Applicants hereby contend that the above-noted omitted pages were, in fact, deposited in the United States Patent and Trademark Office together with the remaining application papers on the filing date of 08/02/2001. A copy of the Notice of Omitted Items and a Petition fee of \$130.00 are submitted herewith.

The facts related to the submission and filing of the above-identified divisional application and the evidence of the deposit of the application are as follows:

1. Accompanying a copy of the parent application, serial no. 09/456,780, was a cover letter which provided all the necessary information to complete the filing of the divisional application. Included in this information in Item No. 1, it was stated that "Enclosed is a copy of the prior application, including the oath or declaration as originally filed, and an affidavit or declaration verifying it as a true copy." A copy of the cover letter is attached.

Adjustment date: 08/22/2002 AKELLEY  
04/22/2002 AOSMAN1 00000087 09921051  
01 FC:122 -130.00 OP  
Repln. Ref: 08/22/2002 AKELLEY 0013570700  
DAN:083150 Name/Number:09921051  
FC: 704 \$130.00 CR

In Item 1(a) of the cover letter it was stated: "The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein."

2. In Item 12, it was stated "I hereby verify that the attached papers are a true copy of prior application Serial No. 09/456,780 as originally filed on 12/08/99."

The undersigned executed the verified statement at the end of the cover letter declaring that all statements made on information and belief were believed to be true.

3. Attached is a copy of the return postcard in which the USPTO acknowledges receiving the listed items that were submitted with the return postcard. The return postcard lists that the divisional application (of 09/456,780) was submitted and the USPTO acknowledged receiving it without noting that any pages were missing.

4. The file of the parent application, Serial No. 09/456,780, in the possession of the undersigned has a complete copy of the application including pages 175 to 182. A copy of said application was made from said file and was submitted to the USPTO together with the above-noted return postcard.

The undersigned submits that everything indicates that a complete copy of the parent application was made and submitted to the USPTO as a divisional application and there was no indication, including any comments by the USPTO on the return postcard, which would suggest that pages 175-182 were not part of the specification received by the USPTO. It is, therefore, submitted that said pages were received by the USPTO and inadvertently and unknowingly were somehow

separated from the rest of the application at some point during processing by the USPTO.

Even if for some unexplained reason, the USPTO did not receive said pages 175-182, the **entire disclosure** of the parent application was incorporated by reference in the Divisional application. Therefore, said pages were part of the above-identified application on the filing date of the present application.

In view of the above facts, the undersigned and applicants of the above-identified patent application hereby petition the Commissioner to accept the attached pages 175-182 as replacements for the inadvertently misplaced or lost pages of the same numbers in the above-identified divisional application. Favorable consideration is respectfully requested.

Attached is a copy of the Notice of Omitted Items and a check for the Petition fee of \$130.00. The Commissioner is hereby authorized to charge any fee deficiency which may be required, or credit any overpayment to Deposit Account 08-3150.

Respectfully submitted,

HUDAK & SHUNK CO., L.P.A.

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Attorney Docket No. 1980044B-Division



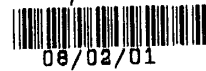
L : August 2, 2001

File: 1980044C(DIV)js

The stamp of the Patent Office hereon may be taken as acknowledging receipt on the date stamped of

Express Mail Certificate  
Return Postcard  
Divisional Application (of 09/456,780)  
Copy of Declaration/Power & Associate Power  
Preliminary Amendment  
Check in the amount of \$1,258.00

J1036 U.S. PTO  
09/921051

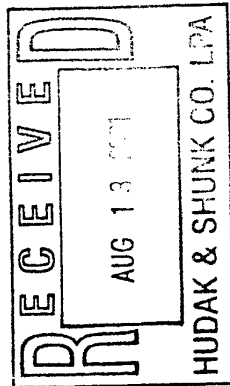


in the following application:

Applicant: Andrew Bell et al.

Serial No.: Division of S/N 09/456,780

For: IN MOLD ADDITION POLYMERIZATION OF NORBORNENE-TYPE  
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